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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/756,788	01/10/2001	Michael C. Scroggie	CAT/29US-SCRCO3	6599
31518	7590	03/01/2010	EXAMINER	
NEIFELD IP LAW, PC 4813-B EISENHOWER AVENUE ALEXANDRIA, VA 22304			JANVIER, JEAN D	
			ART UNIT	PAPER NUMBER
			3688	
			NOTIFICATION DATE	DELIVERY MODE
			03/01/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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rneifeld@neifeld.com  
rhahl@neifeld.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* MICHAEL C. SCROGGIE, MICHAEL E. KACABA,  
DAVID A. ROCHON and DAVID M. DIAMOND

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Application No. 09/756,788  
Technology Center 3600

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Mailed: February 26, 2010

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Before DEBORAH L. PERRY, *Supervisory Paralegal Specialist, Review Team.*

**ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER**

This application was electronically received by the Board of Patent Appeals and Interferences on January 21, 2010. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

PRIOR ORDER FOR RETURN

A prior “Order Returning Undocked Appeal to Examiner” was mailed on July 13, 2009, wherein the Examiner was instructed that corrections were required. A review of the file finds that the required corrections have not been made or have not been made in entirety. The matters still requiring attention prior to docketing are identified below.

PETITIONS

The Petitions filed February 3, 2005, July 1, 2005, May 13, 2009, May 26, 2009, June 2, 2009 and June 29, 2009; there is not indication on record the Examiner have considered the Petitions filed on the above dates.

REPLY BRIEF

A Reply Brief was filed in this application on June 2, 2009. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR CFR § 41.43(a)(1) and MPEP § 1208, part II.

CONCLUSION

Accordingly, it is ORDERED that the application is returned to the Examiner to:

- 1) for consideration and proper response of the Petitions listed above;
- 2) for consideration and proper response to the Reply Brief filed June 2, 2009, and
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interference at 571-272-9797.

DP/dw

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